

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

PHILLIP ANDREW BEDWELL, II,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:06-CV-407-WKW
)	[WO]
)	
SHERIFF JAYJONES, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On May 5, 2006, Phillip Andrew Bedwell, II ["Bedwell"] filed a complaint under 42 U.S.C. § 1983 challenging actions taken against him during his confinement in the Lee County Detention Center. In his complaint, Bedwell seeks only injunctive relief. *Plaintiff's Complaint* at 3 (require jail officials "to have . . . programs available for all inmates."). The documents filed in this case demonstrate that Bedwell is no longer incarcerated in the Lee County Detention Center.¹

Upon consideration of the pleadings filed in this case, the court concludes that the instant complaint is due to be dismissed as the claims raised therein are moot.

DISCUSSION

Bedwell complains that while incarcerated in the Lee County Detention Center the

¹ The plaintiff is presently incarcerated in the Ventress Correctional Facility. *See Plaintiff's July 27, 2006 Notice of Change of Address - Court Doc. No. 14.*

defendants did not allow him to attend religious services and refused his request for a Bible. *Plaintiff's Complaint* at 2. He requests that the court order the defendants to allow him access to religious programs and materials. *Id.* at 3. However, Bedwell is no longer incarcerated at the Lee County Detention Center. In light of the foregoing, the court concludes that the plaintiff's claims are moot and that this case is due to be dismissed. *See County of Los Angeles v. Davis*, 440 U.S. 625 (1979); *Cotterall v. Paul*, 755 F.2d 777 (11th Cir. 1985).

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed as moot.

It is further

ORDERED that on or before August 10, 2006 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from

attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 28th day of July, 2006.

/s/ Delores R. Boyd

UNITED STATES MAGISTRATE JUDGE